IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

SB CIVIL WRIT PETITION NO.5308/1998
Hukum Chand Meena V/s State of Rajasthan & anr.

DATE OF ORDER : : : 8.1.2007

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.Tanveer Ahmed, for the petitioner.
Mr.Shyam Arya, GA, for the respondents.

By this writ petition, the petitioner is claiming benefit of semi permanent status on 1.12.1979 on the post of Operator.

The facts, in brief, of the case are that the petitioner was appointed as Operator on work-charge basis on 1.12.1977 in Sub-division 12, CAT, Chambal, Kota. Subsequently, the said division was changed and he was made semi permanent w.e.f. 24.10.1981, but the petitioner is claiming it from 1.12.1979 just after completion of 2 years of service.

Submission of counsel for the petitioner is that the petitioner is entitled for the benefit of semi-permanent as soon as he completes 2 years of work charge service.

Submission of counsel for the respondents is that

there is no automatic confirmant of semi permanent status on completion of 2 years of service. The said completion of 2 years merely confer the eligibility and further suitability is to be adjudged as and when sanctioned post is available and the work of the petitioner is satisfactory.

Heard counsel for the parties and further considered the record of the case as well as rival submission of the parties.

Although the respondents have disputed the counting of period of service in two divisions from initial appointment, but in my opinion, the said dispute is not of much consequence. Even even if the period is to be counted from 1.12.1979 then also as per Division Bench judgment dated 15.1.2002 cited by the respondents in case of Ramu Ram & Ors. V/s The State of Rajasthan & Ors. (DBCWP No.1020/1995), there would be no automatic confirmant of semi permanent status. The relevant portion of the judgment at page 14 & 15 is reproduced hereunder:-

> "We are of the considered view that a work charge employee on completion of two years service only becomes eligible for consideration of confirming semi permanent status. The said status cannot be confirmed unless the service rendered by him is found to be satisfactory and sanctioned post is available besides other conditions such as age at the time of

> recruitment and medical fitness etc. Even if the petitioners are entitled to grant of semi permanent status after completing 2 years continuous service from their date of initial appointment, it will not be sound exercise of jurisdiction under Article 226 of the Constitution of India to take upon, itself the function of the statutory authority by directing to grant to workman semi permanent status. The only direction which can be given to the concerned authority of the Govt. is to consider the claim of the petitioners in accordance with the rules. In the instant case the petitioners have been granted the status of semi permanent as back as in the year 1995 by Annexures R/1 & r/2. Thus, no writ is required to be issued."

Here in the instant case, the petitioner has not raised the grievance that persons junior to him have been declared semi permanent from earlier date and has further not raised the plea of sanctioned post and satisfactory service.

In my view, judgment delivered in Ramu Ram's case fully covers the controversy raised in the writ petition and am of the further view that the judgment cited by the respondents in case of State of Rajasthan V/s Chambal Vikas Yantrik Sinchai Karamchari Sangh, CAD, Kota dated 23rd March, 1992 is also on the issue of grant of benefit to the Irrigation Wing not to the Agriculture Wing and not counting of the period of two decisions of the same wing.

In view of above, the writ petition is dismissed.

(P.S. ASOPA) J.

ummed/-